

**Minutes of the  
City of Rochester Ethical Practices Board  
Tuesday, May 14, 2013**

The City of Rochester Ethical Practices Board meeting was called to order at 9:05 a.m. in Room 320 of the Government Center, 151 4<sup>th</sup> St. SE, Rochester, MN.

Members present: Ms. Kay Batchelder. Ms. Audrey Ericksen. Ms. Linda Gentling, Dr. Joseph O'Toole, Ms. Shipra Roy

Staff present: Mr. Terry Adkins

The newest member to the Ethical Practices Board, Ms. Shipra Roy, was welcomed to the Board and introductions were made. Ms. Roy will serve a three-year term. Ms. Valori Langseth, the Deputy City Clerk, swore her in.

The minutes from March 12, 2013, were approved and can be posted to the EPB website.

The order of the proposed agenda was presented and the board consented to move forward with the agenda.

City Attorney, Mr. Terry Adkins, reported that there five inquiries since our last meeting on March 12, 2013:

- 3/29/13: City supervisor asks whether a subordinate city employee has a conflict of interest if he/she performs tasks outside of his/her city employment that are identical to those tasks performed within city employment. In this situation, City hires outside contractor to perform work and the outside contractor hires city employee to perform the work on city employee's personal time. City employee is not involved in the city/outside contractor relationship. I said these facts do not reveal a conflict of interest.
- 4/3/13: A member of city board or commission asked for details as to when a conflict of interest might arise. I explained the ordinance definition of a conflict of interest, the role of the EPB, and the manner of enforcement of the Code of Ethics.
- 4/4/13: A city department head indicated his/her staff received an invitation from Costco to attend a one-day open house and to make purchases during that day as if the person was a Costco member. The department head asked if the staff persons could participate in this function. I said yes if other non-public employees received the same invitation.
- 4/10/13: City employee joins four non-public officials to speak on topic of interest before a private entity consisting of private sector individuals. The private entity gives a gift card to each of the five speakers as appreciation for time spent. Can the city employee keep the gift card? I said yes as, under state gift law, there is no illegal gift to a public official when the official is a minority member of a larger group that receives the same gift.

5/6/13: Council member asks whether he/she can vote on a matter involving an organization to which he/she belongs where he/she is not a member of the organization's board of directors and was not involved in the formulation of the matter. I said yes.

The Conflict of Interest Assessment Form was discussed under old business. Mr. Adkins summarized the evolution of the form for Ms. Roy's benefit. The board reviewed Mr. Terry Spaeth's email updating the EPB on its status with the department heads (due to his inability to attend the EPB meeting). Mr. Spaeth indicated the staff who reviewed the form is comfortable with the current version. Ms. Batchelder/Ms. Gentling moved and seconded to approve the final form, opening the discussion. It was determined that under "Department Head Conflict of Interest Review and Assessment", second bullet, the term "other" needed further clarification. Other will be changed to "other relevant documents". The form with recommended changes by the EPB will now be taken by city staff to the department head meeting for their information and dissemination and then begin implementing the form.

Mr. Adkins mentioned that this document is being prepared by the Ethical Practices Board to send to department heads. The EPB can amend this form at any time. It is not a personnel policy, but is under the control and care of the EPB.

In the cover letter that will accompany the Conflict of Interest Assessment Form, any questions on how to use the document can be directed to Mr. Adkins. Motion for approval of the form was passed.

Under New Business, appointments for the next year's board officers were completed. Dr. O'Toole will remain as the chair; Ms. Erickson will assume the position of vice-chair, and Ms. Batchelder will be the board secretary.

The next Ethical Practices Board meeting will be on Tuesday, July 16, 2013, from 9:00 - 10:30 a.m. in Conference Room 104 of the City Hall, 151 4<sup>th</sup> St. SE, Rochester, MN.

The meeting was adjourned at 9:38 a.m.

Submitted by:

Linda S. Gentling  
Secretary, Ethical Practices Board